



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 5

COPY MAILED

APR 19 2002

QUALCOMM INCORPORATED
ATTN: PATENT DEPARTMENT
5775 MOREHOUSE DRIVE
SAN DIEGO, CA 92121-1714

In re Application of:
Parag Agashe and Giovanni Vannucci :
Application No. 09/910,365 :
Filed: July 20, 2001 :
Title of Invention: APPARATUS, :
METHOD, AND SYSTEM OF TRANSFERRING :
CORRECTION INFORMATION :

OFFICE OF PETITIONS
DECISION REFUSING
STATUS
UNDER 37 CFR 1.47(a)

This is in response to a Petition Under 37 C.F.R. 1.47(a), filed January 18, 2002, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is dismissed.

The above-identified application was filed on July 20, 2001, without a fully executed oath or declaration. Accordingly, on August 31, 2001, a "Notice to File Missing Parts of Nonprovisional Application" (hereinafter "Notice"), was mailed to Petitioner. The Notice required an executed oath or declaration. Applicant was given two-months from the date of the Notice within which to file a fully executed oath or declaration.

In response to the Notice, Petitioner files the instant petition wherein Petitioner avers that an e-mail containing the Application, Combined Declaration and Power of Attorney and Assignment, was sent to the nonsigning inventor on October 16, 2001. The petition is supported by the Declaration of Victoria J. Pacey wherein she avers that she sent the e-mail to the nonsigning inventor, which was responded to by the signing inventor, Parag Agashe. Parag Agashe allegedly provided Victoria J. Pacey with the nonsigning inventor's new e-mail address. The Application, Combined Declaration and Power of Attorney and Assignment were then e-mailed to the nonsigning inventor at the new address, but he has been unwilling to satisfy [their] request. Finally, the petition is putatively supported by exhibits A through D, evincing the above e-mail transmissions.

A review of the file reveals no exhibits evincing the above e-mail transmissions were received by the Office.

Petitioner is further advised that the putative exhibits would fail to provide adequate proof that the nonsigning inventor has been presented the application. Confirmation that the e-mail address is correct, and that the application was received in a format such that the nonsigning inventor was able to read and review the application is required. Alternatively, Petitioner may wish to mail the application via the United States Postal Service to the nonsigning inventor at his last known mailing address.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to
Petitions Attorney Derek L. Woods at (703) 305-0014.

Patricia Fayson-Balf
for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy